

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:

SUHAGI DAVE

AND

VASHISHTHA DAVE

Debtors

Address: 3075 Techumseh Court

Woodbridge, VA 22192

3075 Techumseh Court

Woodbridge, VA 22192

Last four digits of Social Security No.(s): XXX-XX-9702 and
XXX-XX-6837

BCN #: 19-11952-BFK

Chapter: 7

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: November 20, 2019 at 9:30 AM in Courtroom I, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: October 25, 2019

/s/ Nicole McKenzie

BY: Gregory N. Britto, Esquire VSB #23476
Malcolm B. Savage, III, Esquire VSB #91050
William M. Savage, Esquire VSB #26155
Mary F. Balthasar Lake, Esquire VSB #34899
Nicole McKenzie, Esquire VSB #93990
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(703) 449-5800
VABECF@logs.com

CERTIFICATE OF SERVICE

I certify that I have this 25th day of October, 2019, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Ashvin Pandurangi
AP Law Group, PLC
211 Park Ave.
Falls Church, VA 22046

Kevin R. McCarthy
McCarthy & White, PLLC
8508 Rehoboth Ct.
Vienna, VA 22182

Suhagi Dave
3075 Techumseh Court
Woodbridge, VA 22192

Vashishtha Dave
3075 Techumseh Court
Woodbridge, VA 22192

/s/ Nicole McKenzie

Gregory N. Britto, Esquire VSB #23476
Malcolm B. Savage, III, Esquire VSB #91050
William M. Savage, Esquire VSB #26155
Mary F. Balthasar Lake, Esquire VSB #34899
Nicole McKenzie, Esquire VSB #93990

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In Re:
Suhagi Dave and Vashishtha Dave
Debtors

BCN#: 19-11952-BFK
Chapter: 7

Deutsche Bank National Trust Company, As
Trustee For IndyMac IMSC Mortgage Loan
Trust 2007-AR1, Mortgage Pass-Through
Certificates Series 2007-AR1

Motion for Order Granting Relief from
Automatic Stay under 11 USC §362

Movant/Secured Creditor,

v.

Suhagi Dave and Vashishtha Dave
Debtors

and

Kevin R. McCarthy
Trustee
Respondents

Deutsche Bank National Trust Company, As Trustee For IndyMac IMSC Mortgage Loan Trust 2007-AR1, Mortgage Pass-Through Certificates Series 2007-AR1, and/or present noteholder, (hereinafter “the Movant”), alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtors filed a Chapter 7 Petition in Bankruptcy with this Court on June 12, 2019.

3. That Kevin R. McCarthy has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

4. That the subject Deed of Trust secures a parcel of real property (hereinafter “the Property”) with the address of 3075 Tecumseh Ct, Woodbridge, VA 22192 and more particularly described in the Deed of Trust dated March 12, 2007 and recorded as Deed Instrument Number 200703150032076 among the land records of the said city/county, as:

Lot Sixty-One "A" (61-A), as the same is shown on a plat entitled Resubdivision Plat Section Eleven "E" (11-E), LAKERIDGE, as the same is duly dedicated, platted and recorded in Deed Book 948 at Page 683, among the Land Records of Prince William County, Virginia.

Being the same property as described in that Deed dated August 29, 2000, and recorded in the Clerk's Office of the Circuit Court of the Prince William County, Virginia, in Deed Book 2948, Page 1388, which was granted and conveyed by Household Bank, FSB unto Suhagi Dave.

HAVING a street address of: 3075 Tecumseh Court, Woodbridge, VA 22192

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtors.

6. That the Debtors are in default with regard to payments which have become due under the terms of the Note and Deed of Trust.

As of October 1, 2019, the Debtors are due for:

- o 3 monthly payments from July 2019 through September 2019 of \$817.37 each which were to be paid directly to Movant;
- o 1 monthly payments from October 2019 through October 2019 of \$828.76 each which were to be paid directly to Movant;
- o Accrued Late Charges of \$492.83
- o Recoverable Balance of \$26.50
- o Suspense Balance of -\$812.96
- o Bankruptcy Fees of \$750.00
- o Bankruptcy Costs of \$181.00

7. Movant has elected to initiate foreclosure proceedings on the Property with respect to the Deed of Trust, but is prevented by the Automatic Stay from going forward with these proceedings.

8. That continuation of the automatic stay pursuant to 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

9. That the Movant has requested that the Court hear this matter on November 20, 2019 at 9:30 AM.

WHEREFORE, Movant prays for an order granting relief from the Automatic Stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees' and costs expended, and for such other and further relief as the Court and equity deem appropriate.

SHAPIRO & BROWN, LLP
ATTORNEYS FOR THE MOVANT

Dated: October 25, 2019

/s/ Nicole McKenzie

BY: Gregory N. Britto, Esquire

VS# 23476

Malcolm B. Savage, III, Esquire

VS# 91050

William M. Savage, Esquire

VS# 26155

Mary F. Balthasar Lake, Esquire

VS# 34899

Nicole McKenzie, Esquire

VS# 93990

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Chesapeake, Virginia 23320

(703) 449-5800

VABECF@logs.com

Certificate of Service

I certify that I have this 25th day of October, 2019, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Ashvin Pandurangi
AP Law Group, PLC
211 Park Ave.
Falls Church, VA 22046

Kevin R. McCarthy
McCarthy & White, PLLC
8508 Rehoboth Ct.
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